

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ALLANNA WARREN,  
4 Plaintiff,  
5 v.  
6 SOUTHWEST GAS, et al.,  
7 Defendants.  
8

Case No. 2:23-cv-02105-JAD-NJK

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING CASE**

9 **On 8/22/24, the magistrate judge entered this report and recommendation [# 5]:**

10 Plaintiff's complaint asserts that federal question jurisdiction exists because the claims  
11 arise under 42. U.S.C. § 1983 and various federal criminal statutes. Docket No. 1-1 at 3.  
12 However, Plaintiff does not allege that either Defendant was acting under color of state law.  
13 Docket No. 1-1 at 5. Further, the federal criminal statutes afford no private right of action. *See*  
14 Docket No. 3 at 2.

15 As a result, the Court issued an order for Plaintiff to show cause why this case should not  
16 be dismissed for lack of subject matter jurisdiction. Docket No. 3. Though the time for doing  
17 so has passed, Plaintiff has failed to file any response to the Court's order to show cause. The  
18 Court's Order to Show Cause warned Plaintiff that "**Failure to comply with this order may**  
19 **result in dismissal of this case.**" Docket No. 3 at 2.

20 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED without**  
21 **prejudice** for lack of subject matter jurisdiction.

22  
23   
24 Nancy J. Koppe  
United States Magistrate Judge

25 **ORDER**

26 The deadline for the plaintiff to object to this recommendation was September 5, 2024,  
27 and she did not file anything or ask to extend the deadline to do so. "[N]o review is required of  
28 a magistrate judge's report and recommendation unless objections are filed." *United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the report and  
2 recommendation, I find good cause to adopt it, and I do. IT IS THEREFORE ORDERED that  
3 the Magistrate Judge's Report and Recommendation [ECF No. 5] is **ADOPTED** in its entirety;  
4 **THIS CASE IS DISMISSED** for lack of subject-matter jurisdiction; and the plaintiff's  
5 application to proceed in forma pauperis [ECF No. 1] is **DENIED as moot**.

6  
7 

8 U.S. District Judge Jennifer A. Dorsey

9 Dated: September 6, 2024  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28